

AO 121 (6/90)

<b>TO:</b>  <b>Register of Copyrights</b> <b>Copyright Office</b> <b>Library of Congress</b> <b>Washington, D.C. 20559</b>	<b>REPORT ON THE</b> <b>FILING OR DETERMINATION OF AN</b> <b>ACTION OR APPEAL</b> <b>REGARDING A COPYRIGHT</b>
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In compliance with the provisions of 17 U.S.C. 508, you are hereby advised that a court action or appeal has been filed on the following copyright(s):

<input type="checkbox"/> ACTION	<input type="checkbox"/> APPEAL	<b>COURT NAME AND LOCATION</b>
<b>DOCKET NO.</b> 08cv1317 DMS LSP	<b>DATE FILED</b> 07/22/08	United States District Court, Southern District of California 880 Front Street, Room 4290 San Diego, CA 92101-8900
<b>PLAINTIFF</b> Fractional Villas, Inc.		<b>DEFENDANT</b> Jason Katz, et al.
<b>COPYRIGHT REGISTRATION NO.</b>	<b>TITLE OF WORK</b>	<b>AUTHOR OF WORK</b>
1 TX-6-613-055	Fractional Villas, Inc.	Fractional Villas, Inc.
2		
3		
4		
5		

In the above-entitled case, the following copyright(s) have been included:

<b>DATE INCLUDED</b>	<b>INCLUDED BY</b>		
	<input type="checkbox"/> Amendment	<input type="checkbox"/> Answer	<input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading
<b>COPYRIGHT REGISTRATION NO.</b>	<b>TITLE OF WORK</b>	<b>AUTHOR OF WORK</b>	
1			
2			
3			

In the above-entitled case, a final decision was rendered on the date entered below. A copy of the order or judgment together with the written opinion, if any, of the court is attached.

<b>COPY ATTACHED</b>	<b>WRITTEN OPINION ATTACHED</b>	<b>DATE RENDERED</b>
<input type="checkbox"/> Order <input type="checkbox"/> Judgment	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>CLERK</b>	<b>(BY) DEPUTY CLERK</b>	<b>DATE</b>

Copy 1 - Upon initiation of action, mail this copy to Register of Copyrights Copy 2 - Upon filing of document adding copyrights, mail this copy to Registrar of Copyrights

Copy 3 - Upon termination of action, mail this copy to Registrar of Copyrights Copy 4 - In the event of appeal, forward this copy to the Appellate Court so they can prepare a new AO 279 for the appeal

Copy 5 - Case file copy

AO 121 (6/90)

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Copy 5 - Case file copy

ORIGINAL

Gary L. Sirota (State Bar No. 136606)  
Robert Berkowitz (State Bar No. 227888)  
COAST LAW GROUP  
169 Saxony Road, Suite 204  
Encinitas, CA 92024  
TEL: (760) 942-8505  
FAX: (760) 942-8515  
EMAIL: RBerkowitz@CoastLawGroup.com

Attorneys for Plaintiff

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CLERK US DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

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'08 CV 13 17 DMS POR

FILED

UNITED STATES DISTRICT COURT,  
SOUTHERN DISTRICT OF CALIFORNIA

FRACTIONAL VILLAS, INC., a California Corporation,

Plaintiff,

v.

JASON KATZ, an individual; LENDING EXECUTIVES, INC., a California corporation; YOLANDA ORTIZ-PARRA, an individual; RAYMOND VINOLE, an individual; DANIEL CHARLES PRIVETT, an individual; and DOES 1 - 25,

Defendants.

Case No.

**COMPLAINT FOR MONETARY DAMAGES AND INJUNCTIVE RELIEF FOR:**

1. INFRINGEMENT OF UNITED STATES COPYRIGHT REGISTRATION NO. TX-6-613-055 VIA THE INTERNET
2. INFRINGEMENT OF UNITED STATES COPYRIGHT REGISTRATION NO. TX-6-613-055 VIA PRINTED MATTER
3. CALIFORNIA STATE UNFAIR COMPETITION VIOLATIONS

**DEMAND FOR TRIAL BY JURY**

Plaintiff FRACTIONAL VILLAS, INC. ("Plaintiff") alleges as follows:

**PARTIES**

1. Plaintiff FRACTIONAL VILLAS, INC. ("FVI") is, and at all relevant times was, a corporation organized and existing under the law of California and has its principal place of business in Del Mar, California. Plaintiff FVI markets, advertises, and sells fractional ownership interests in luxury properties. Plaintiff FVI's website, [www.FractionalVillas.com](http://www.FractionalVillas.com), is a

1 g2

1 fundamental part of Plaintiff's business in that it is a primary means for promoting the Plaintiff's  
2 services.

3 2. On information and belief, Defendant LENDING EXECUTIVES, INC.  
4 ("Lending Executives") is a California Corporation, its principal office address is 5830 Oberlin  
5 Drive #200 in San Diego, California, and its registered agent is Defendant JASON KATZ  
6 ("Katz") at 13022 Deer Park Way in San Diego, California.

7 3. On information and belief, Defendant Lending Executives also maintains a  
8 business office at 990 Highland Drive #203 in Solana Beach, California.

9 4. On information and belief, Defendant Lending Executives is the registrant for and  
10 owner of the domain name MajorLeagueCondo.com.

11 5. On information and belief, Defendant Katz is the administrative contact and  
12 technical contact for the domain name MajorLeagueCondo.com.

13 6. On information and belief, the web site located at [www.majorleaguecondo.com](http://www.majorleaguecondo.com)  
14 offers for fractional sale a property known as The Legend, located at 325 7<sup>th</sup> Avenue #1803 in  
15 San Diego ("Legend").

16 7. On information and belief, Defendant YOLANDA ORTIZ-PARRA ("Ortiz-  
17 Parra") was and/or is an owner and a listing agent for Legend and resides in Carlsbad, California.

18 8. On information and belief, Defendant RAYMOND VINOLE ("Vinoles") was  
19 and/or is a listing agent for Legend and resides in San Diego, California.

20 9. On information and belief, Defendant Katz was and/or is a listing agent for  
21 Legend and resides in San Diego, California.

22 10. On information and belief, Defendant DANIEL CHARLES PRIVETT ("Privett")  
23 was and/or is an owner of Legend the contact person for information on fractional sale of  
24 Legend, and resides in Escondido, California.

25 11. The true names and capacities, whether individual, corporate, or associate, or  
26 otherwise, of Defendant Does 1 through 25 inclusive ("DOES"), are at this time unknown to  
27 Plaintiff, who therefore identifies such Defendants by said fictitious names. Plaintiff is informed  
28

1 and believes and thereon alleges that said fictitiously named Defendants, and each of them, are  
2 responsible for the events and happenings herein referred to, and negligently, recklessly, and/or  
3 intentionally proximately caused the injuries and damages alleged herein to Plaintiff.

4 12. Plaintiff is informed and believes and thereon alleges that at all times relevant  
5 hereto each of the Defendants was the agent, affiliate, officer, director, manager, principal, alter-  
6 ego, and/or employee of the remaining Defendants and was at all times acting within the scope  
7 of such agency, affiliation, alter-ego relationship, and/or employment. Plaintiff is informed and  
8 believes and thereon alleges that at all relevant times each of the Defendants actively participated  
9 in or subsequently ratified or adopted, or both, each and all of the acts or conduct alleged, with  
10 full knowledge of all the facts and circumstances including, but not limited to, full knowledge of  
11 each and all of the violations of Plaintiff's rights and the damages to Plaintiff caused thereby.  
12 All Defendants are collectively referred to herein as "Defendants."

#### 13 JURISDICTION

14 13. This action arises under the copyright laws of the United States, 17 U.S.C. §§ 101  
15 et seq., and this Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1367.

16 14. On information and belief, personal jurisdiction in this District is proper because  
17 Defendants, and each of them, may be found in the Southern District of California. Furthermore,  
18 Defendants knew Plaintiff's principal place of business was and is in the Southern District of  
19 California. Defendants purposefully directed activities into the Southern District of California  
20 by willfully disseminating over the Internet copyrighted works owned and controlled by Plaintiff  
21 without the consent or permission of the Plaintiff, the copyright owner.

22 15. On information and belief, Defendants' illegal dissemination of Plaintiff's  
23 copyrighted work occurred in every jurisdiction in the United States, including this one.

24 16. Plaintiff's causes of action against Defendants arise directly out of Defendants'  
25 purposeful direction of activities into the Southern District of California.

#### 26 VENUE

1           17. Venue is proper in this court under 28 U.S.C. §§ 1391(b), 1391(c), and 1400(a) as  
2 all Defendants reside in the State of California, and at least one defendant resides in the Southern  
3 District of California. Defendants have also purposefully directed activities at this forum,  
4 including willfully infringing Plaintiff's copyright with knowledge that Plaintiff's principal place  
5 of business is in this forum. Moreover, Defendants market, advertise, and sell fractional  
6 ownership of properties to consumers and businesses in the Southern District of California.

7                           **ALLEGATIONS IN SUPPORT OF ALL CLAIMS**

8           18. Plaintiff FVI is the owner of Copyright Registration No. TX-6-613-055, entitled  
9 "Fractional Villas.com website (www.fractionalvillas.com)" ("the Copyright"). A true and  
10 correct copy of the registration is attached hereto as Exhibit "A"). The Copyright was filed  
11 October 11, 2007, and the registration is effective the same date. The Copyright pertains to a  
12 website offering fractional ownership in luxury properties.

13           19. The work (the "Work") protected by Copyright Registration No. TX-6-613-055 is  
14 a work of authorship fixed in a tangible medium of expression that contains a substantial amount  
15 of material created by the skill, labor, and judgment of Mr. Robert K. Vicino, the President of  
16 Plaintiff. The Work was first published on October 5, 2007.

17           20. The Work is a derivative work of prior versions, which were authored by Mr.  
18 Vicino and were first published at least as early as March 27, 2005.

19           21. The Work appears on the FVI website. A copyright notice is clearly and  
20 conspicuously displayed on each page. The vast majority of the Work has appeared on the FVI  
21 website since August 2005.

22           22. All rights of copyright were transferred solely and exclusively by Mr. Vicino to  
23 Plaintiff FVI.

24           23. Plaintiff FVI has complied in all respects with the Copyright Laws of the United  
25 States and received from the Register of Copyrights the certificate of registration for Copyright  
26 No. TX-6-613-055.

1           24. Defendants are Plaintiff's competitors. Both Plaintiff and Defendants compete for  
2 business in the market of fractional ownership interests in luxury properties.

3           25. Defendants have infringed Plaintiff's Copyright by using portions of the Work in  
4 Defendants' Internet site and/or Internet sites under Defendants' dominion and control, thereby  
5 reproducing, publicly performing, and/or creating derivative works of the Work without the  
6 consent of Plaintiff FVI.

7           26. Defendant Otriz-Parra's name and phone number, and Defendant Vinole's name  
8 and phone number, appear as the contact for more information on Legend on certain portions  
9 Defendants' website at <http://www.majorleaguecondo.com> that infringe the Copyright.

10          27. Defendants have infringed Plaintiff's Copyright by using portions of the Work  
11 and/or in creating derivate works of the Work in promotional material printed, reproduced, and  
12 publicly distributed by Defendants ("Printed Promotional Material"), without the consent of  
13 Plaintiff FVI.

14          28. Defendant Katz's name and phone number, and Defendants Privett's name and  
15 phone number, appear as the contact for more information on Legend in portions of the Printed  
16 Promotional Material that infringe the Copyright.

17          29. Defendants do not have permission or license from Plaintiff to use any portion of  
18 the Work protected by the Copyright.

19          30. Defendants have derived and are deriving economic benefit from the infringement  
20 of the Copyright. Plaintiff has been damaged and continues to be damaged by Defendants'  
21 infringement. Defendants' infringement of the Copyright has diverted potential customers away  
22 from Plaintiff FVI's Internet site because Defendants posted the copyrighted Work on the  
23 website <http://www.majorleaguecondo.com> to earn income from the sale of fractional ownership  
24 in luxury properties. Defendants' infringement of the Copyright has also diverted potential  
25 customers away from Plaintiff FVI because Defendants have distributed the copyrighted Work,  
26 or derivatives thereof, in the form of the Printed Promotional Material, in order to earn income  
27 from the sale of fractional ownership in luxury properties.

1 31. Plaintiff contends the unauthorized reproduction of the Work initially occurred in  
2 or before March of 2008 both on <http://www.majorleaguecondo.com> and in the Printed  
3 Promotional Material, and continued until at least July of 2008.

4 32. Defendants' infringement is exacerbated by the fact that the infringing website  
5 was indexed by major search engines and broadcast worldwide in response to keyword  
6 searches. Plaintiff FVI's business and reputation were irreparably harmed by the confusion  
7 caused by the publication of the infringed material.

8 33. Plaintiff has been damaged and continues to be damaged by Defendants'  
9 infringement.

10 34. Plaintiff alleges that each Defendant is aware their website and their Printed  
11 Promotional Material infringes United States Copyright Registration No. TX-6-613-055.  
12 Nevertheless, Defendants have blatantly usurped Plaintiff's concept and have taken the content  
13 from Plaintiff FVI's website and claimed it as their own.

14 **FIRST CAUSE OF ACTION:**

15 **INFRINGEMENT OF U.S. COPYRIGHT TX-6-613-055 VIA THE INTERNET**

16 **AS AGAINST ALL DEFENDANTS**

17 35. Plaintiff incorporates by reference the paragraphs as set forth above.

18 36. Plaintiff FVI is the owner of the Copyright, the Work, and all rights appurtenant  
19 thereto.

20 37. Defendants have infringed Plaintiff's Copyright by using portions thereof on their  
21 website at <http://www.majorleaguecondo.com> without Plaintiff's consent.

22 38. Upon information and belief, Plaintiff alleges that Defendants' infringement,  
23 inducement of infringement, and/or contributory infringement of the Copyright has been willful,  
24 deliberate, knowing, and with wanton disregard of Plaintiff's ownership of the Copyright.

25 39. Upon information and belief, Plaintiff alleges that Defendants will continue to  
26 infringe, continue to induce others to infringe, and/or continue to contributorily infringe the  
27 Copyright to Plaintiff's irreparable damage unless enjoined by this Court.



1 40. Plaintiff has been damaged by the foregoing infringing acts of Defendants in an  
2 amount that exceeds \$150,000. The exact amount of such damages can be determined upon an  
3 accounting.

4 **SECOND CAUSE OF ACTION:**

5 **INFRINGEMENT OF U.S. COPYRIGHT TX-6-613-055 VIA PRINTED MATTER**

6 **AS AGAINST ALL DEFENDANTS**

7 41. Plaintiff incorporates by reference the paragraphs as set forth above.

8 42. Plaintiff FVI is the owner of the Copyright, the Work, and all rights appurtenant  
9 thereto.

10 43. Defendants have infringed Plaintiff's Copyright by using portions thereof in their  
11 Printed Promotional Material without Plaintiff's consent.

12 44. Upon information and belief, Plaintiff alleges that Defendants' infringement,  
13 inducement of infringement, and/or contributory infringement of the Copyright has been willful,  
14 deliberate, knowing, and with wanton disregard of Plaintiff's ownership of the Copyright.

15 45. Upon information and belief, Plaintiff alleges that Defendants will continue to  
16 infringe, continue to induce others to infringe, and/or continue to contributorily infringe the  
17 Copyright to Plaintiff's irreparable damage unless enjoined by this Court.

18 46. Plaintiff has been damaged by the foregoing infringing acts of Defendants in an  
19 amount that exceeds \$150,000. The exact amount of such damages can be determined upon an  
20 accounting.

21 **THIRD CAUSE OF ACTION:**

22 **CALIFORNIA UNFAIR COMPETITION VIOLATIONS**

23 **AS AGAINST ALL DEFENDANTS**

24 47. Plaintiff incorporates by reference the paragraphs as set forth above.

25 48. Plaintiff is informed and believes and on that basis alleges that Defendants'  
26 intentional infringement of the Copyright constitutes unfair competition under state law,  
27 including without limitation Cal. Business & Professions Code §§ 17200 et seq. By reason of the  
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1 conduct alleged herein, Defendants are guilty of malice, oppression, and willful disregard of the  
2 rights of Plaintiffs.

3 49. Plaintiff is informed and believes and thereon alleges that Defendants' intentional  
4 infringement of the Copyright is an unlawful, unfair, and/or fraudulent business act or practice  
5 and constitutes unfair competition under California state law. Defendants compete with Plaintiff  
6 for customers by infringing Plaintiff's Copyright.

7 50. Plaintiff is informed and believes and thereon alleges that Defendants' improper  
8 and unlawful acts as alleged herein constitute unfair, deceptive, untrue, and misleading  
9 advertising, in that Defendants appear to represent to the public that the website  
10 <http://www.majorleaguecondo.com> is comprised of unique material, and do not give credit to  
11 Plaintiff for the Work.

12 51. Plaintiff is informed and believes and thereon alleges that Defendants' improper  
13 and unlawful acts as alleged herein constitute unfair, deceptive, untrue, and misleading  
14 advertising, in that Defendants appear to represent to the public that the Printed Promotional  
15 Material distributed by Defendants related to the fractional sale of Legend is comprised of  
16 unique material, and do not give credit to Plaintiff for the Work.

17 52. By reason of the conduct alleged herein, Defendants are guilty of malice,  
18 oppression, and willful disregard of the rights of Plaintiff FVI.

19 53. Defendants' unlawful, unfair, deceptive, and fraudulent business practice and  
20 unfair, deceptive, untrue, and misleading advertising constitutes despicable, outrageous,  
21 oppressive, and malicious conduct under California Civil Code § 3294 and justifies an award of  
22 exemplary and punitive damages against Defendants, and each of them.

23 54. As a direct and proximate cause of Defendants' wrongful conduct, Plaintiff FVI  
24 has sustained and will sustain injury to its business and property in an amount not yet precisely  
25 ascertainable, but which includes the loss of sales of fractional ownership interests in luxury  
26 properties and loss of reputation and goodwill.

27 ///

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs pray this court enter judgment against Defendants as follows:

1. That a temporary restraining order and, subsequently, that a preliminary injunction be granted enjoining Defendants from further infringement of U.S. Copyright Registration No. TX-6-613-055;

2. That a permanent injunction be granted perpetually enjoining Defendants from further infringement of U.S. Copyright Registration No. TX-6-613-055;

3. That a temporary restraining order and, subsequently, that a preliminary injunction be granted enjoining Defendants from advertising, displaying, or broadcasting over the Internet a website that infringes the Copyright or any derivation thereof, or which by imitation or other similarity to those of the Copyright are likely to cause confusion, mistake, dilution, or persons to be deceived into the belief that Defendants' services are Plaintiff's services or that Defendants and their services are authorized, endorsed, or sponsored by Plaintiff;

4. That a temporary restraining order and, subsequently, that a preliminary injunction be granted enjoining Defendants from printing, reproducing, distributing or otherwise making available any promotional material that infringes the Copyright or any derivation thereof, or which by imitation or other similarity to those of the Copyright are likely to cause confusion, mistake, dilution, or persons to be deceived into the belief that Defendants' services are Plaintiff's services or that Defendants and their services are authorized, endorsed, or sponsored by Plaintiff;

5. That a permanent injunction be granted perpetually enjoining Defendants from advertising, displaying, or broadcasting over the Internet a website which infringes on the Copyright, or any derivation thereof, or which by imitation or other similarity to that of Plaintiff is likely to cause confusion, mistake, dilution, or persons to be deceived into the belief that Defendants' services are Plaintiff's services or that Defendants and their services are authorized, endorsed, or sponsored by Plaintiff;

1           6.     That a permanent injunction be granted enjoining Defendants from printing,  
2 reproducing, distributing or otherwise making available any promotional material that infringes  
3 the Copyright or any derivation thereof, or which by imitation or other similarity to those of the  
4 Copyright are likely to cause confusion, mistake, dilution, or persons to be deceived into the  
5 belief that Defendants' services are Plaintiff's services or that Defendants and their services are  
6 authorized, endorsed, or sponsored by Plaintiff;

7           7.     That a judgment be entered that Defendants have infringed, actively induced  
8 others to infringe, and/or contributorily infringed U.S. Copyright Registration No. TX-6-613-  
9 055;

10          8.     That a judgment be entered that Defendants be required to pay over to Plaintiff all  
11 damages sustained by Plaintiff due to Defendants' intentional, willful, and malicious  
12 infringement of U.S. Copyright Registration No. TX-6-613-055, such damages as this court shall  
13 deem just and proper under the Copyright Act, 17 U.S.C. §504, but not less than \$150,000 for  
14 infringement of Plaintiff's copyright via the website found at  
15 <http://www.majorleaguecondo.com>;

16          9.     That a judgment be entered that Defendants be required to pay over to Plaintiff all  
17 damages sustained by Plaintiff due to Defendants' intentional, willful, and malicious  
18 infringement of U.S. Copyright Registration No. TX-6-613-055, such damages as this court shall  
19 deem just and proper under the Copyright Act, 17 U.S.C. §504, but not less than \$150,000 for  
20 infringement of Plaintiff's copyright via the Printed Promotional Material;

21          10.    That all gains, profits, and advantages derived by Defendants from their acts of  
22 infringement and other violations of law be deemed held in constructive trust for the benefits of  
23 Plaintiff;

24          11.    That Defendants, and each of them, account to Plaintiff for their profits and any  
25 damages sustained by Plaintiff arising from the foregoing acts of infringement;

26          12.    That punitive damages be awarded;

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1           13.     That costs and prejudgment interest be awarded on all damages;

2           14.     That Plaintiff be awarded its attorneys' fees as available under the Copyright Act,  
3     17 U.S.C. § 505 and California Business & Professions Code §§ 17200 et seq.

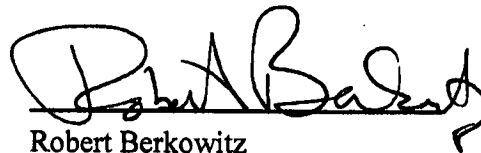
4           15.     That an order be entered requiring Defendants to deliver up or be impounded  
5     during the pendency of this action all copies of copyrighted material in Defendants' possession  
6     and infringing U.S. Copyright Registration No. TX-6-613-055;

7           16.     That Defendants be required to file with the court within 30 days after entry of  
8     final judgment of this cause a written statement under oath setting forth the manner in which  
9     Defendants have complied with final judgment;

10          17.     That Plaintiff be awarded such other and further relief as the court deems  
11     appropriate.

12     Dated: July 21, 2008

**COAST LAW GROUP, LLP**

13  
14                     

15     Robert Berkowitz  
16     Attorneys for Plaintiff,  
17     FRACTIONAL VILLAS, INC.  
18     RBerkowitz@coastlawgroup.com  
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JS 44 (Rev. 12/07)

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## I. (a) PLAINTIFFS

FRACTIONAL VILLAS, INC., a California Corporation

(b) County of Residence of First Listed Plaintiff San Diego  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Robert Berkowitz, COAST LAW GROUP, LLP  
169 Saxony Road, #204 Encinitas, CA 92024 (760) 942-8505

## DEFENDANTS

Jason Katz; Lending Executives, Inc.; Yolanda Ortiz-Parra;  
Raymond Vinole; Daniel C. Privett; and Does 1 - 25

County of Residence of First Listed Defendant San Diego  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE  
LAND INVOLVED

Attorneys (If Known)

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff  
☐ 2 U.S. Government Defendant  
☒ 3 Federal Question (U.S. Government Not a Party)  
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- (For Diversity Cases Only)
- |   |                            |                            |   |                            |                            |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPER EIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAXES</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

## V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding  
☐ 2 Removed from State Court  
☐ 3 Remanded from Appellate Court  
☐ 4 Reinstated or Reopened  
☐ 5 Transferred from another district (specify)  
☐ 6 Multidistrict Litigation  
☐ 7 Appeal to District Judge from Magistrate Judgment

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
17 U.S.C. section 101 et. seq.

Brief description of cause:  
Copyright infringement

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23  
 DEMAND \$ 300,000.00

CHECK YES only if demanded in complaint:  
 JURY DEMAND: ☒ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

07/21/2008

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

153283

AMOUNT

\$350

APPLYING IFP

JUDGE

MAG. JUDGE

WLC 7/22/08

ORIGINAL

FILED

**UNITED STATES  
DISTRICT COURT**  
SOUTHERN DISTRICT OF CALIFORNIA  
SAN DIEGO DIVISION

**# 153223 - TC**

**July 22, 2008  
14:11:35**

**Civ Fil Non-Pris**

USAO #: 08CV1317

Judge.: DANA M SABRAW

Amount.:

\$350.00 CK

Check#: BC70408

**Total-> \$350.00**

FROM: FRACTIONAL VILLAS  
VS.  
JASON KATZ ET. AL.

AO 121 (6/90)

<b>TO:</b>  <b>Register of Copyrights</b> <b>Copyright Office</b> <b>Library of Congress</b> <b>Washington, D.C. 20559</b>	<b>REPORT ON THE</b> <b>FILING OR DETERMINATION OF AN</b> <b>ACTION OR APPEAL</b> <b>REGARDING A COPYRIGHT</b>
---	---

In compliance with the provisions of 17 U.S.C. 508, you are hereby advised that a court action or appeal has been filed on the following copyright(s):

<input type="checkbox"/> ACTION	<input type="checkbox"/> APPEAL	COURT NAME AND LOCATION
DOCKET NO. 08cv1317 DMS LSP	DATE FILED 07/22/08	United States District Court, Southern District of California 880 Front Street, Room 4290 San Diego, CA 92101-8900
PLAINTIFF Fractional Villas, Inc.		DEFENDANT Jason Katz, et al.
<b>COPYRIGHT REGISTRATION NO.</b>	<b>TITLE OF WORK</b>	<b>AUTHOR OF WORK</b>
1 TX-6-613-055	Fractional Villas, Inc.	Fractional Villas, Inc.
2		
3		
4		
5		

In the above-entitled case, the following copyright(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
<b>COPYRIGHT REGISTRATION NO.</b>	<b>TITLE OF WORK</b>	<b>AUTHOR OF WORK</b>	
1			
2			
3			

In the above-entitled case, a final decision was rendered on the date entered below. A copy of the order or judgment together with the written opinion, if any, of the court is attached.

<b>COPY ATTACHED</b> <input type="checkbox"/> Order <input type="checkbox"/> Judgment	<b>WRITTEN OPINION ATTACHED</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	<b>DATE RENDERED</b>
<b>CLERK</b>	<b>(BY) DEPUTY CLERK</b>	<b>DATE</b>

Copy 1 - Upon initiation of action, mail this copy to Register of Copyrights Copy 2 - Upon filing of document adding copyrights, mail this copy to Register of Copyrights

Copy 3 - Upon termination of action, mail this copy to Register of Copyrights Copy 4 - In the event of appeal, forward this copy to the Appellate Court so they can prepare a new AO 279 for the appeal

Copy 5 - Case file copy



AO 121 (6/90)

<b>TO:</b>  <b>Register of Copyrights</b> <b>Copyright Office</b> <b>Library of Congress</b> <b>Washington, D.C. 20559</b>	<b>REPORT ON THE</b> <b>FILING OR DETERMINATION OF AN</b> <b>ACTION OR APPEAL</b> <b>REGARDING A COPYRIGHT</b>
---	---

In compliance with the provisions of 17 U.S.C. 508, you are hereby advised that a court action or appeal has been filed on the following copyright(s):

<input type="checkbox"/> ACTION	<input type="checkbox"/> APPEAL	<b>COURT NAME AND LOCATION</b>
<b>DOCKET NO.</b> 08cv1317 DMS LSP	<b>DATE FILED</b> 07/22/08	United States District Court, Southern District of California 880 Front Street, Room 4290 San Diego, CA 92101-8900
<b>PLAINTIFF</b> Fractional Villas, Inc.		<b>DEFENDANT</b> Jason Katz, et al.
<b>COPYRIGHT REGISTRATION NO.</b>	<b>TITLE OF WORK</b>	<b>AUTHOR OF WORK</b>
1 TX-6-613-055	Fractional Villas, Inc.	Fractional Villas, Inc.
2		
3		
4		
5		

In the above-entitled case, the following copyright(s) have been included:

<b>DATE INCLUDED</b>	<b>INCLUDED BY</b>		
	<input type="checkbox"/> Amendment	<input type="checkbox"/> Answer	<input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading
<b>COPYRIGHT REGISTRATION NO.</b>	<b>TITLE OF WORK</b>	<b>AUTHOR OF WORK</b>	
1			
2			
3			

In the above-entitled case, a final decision was rendered on the date entered below. A copy of the order or judgment together with the written opinion, if any, of the court is attached.

<b>COPY ATTACHED</b>	<b>WRITTEN OPINION ATTACHED</b>	<b>DATE RENDERED</b>
<input type="checkbox"/> Order <input type="checkbox"/> Judgment	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>CLERK</b>	<b>(BY) DEPUTY CLERK</b>	<b>DATE</b>

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